THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20099 of 2006

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings of the second respondent in Roc (B) No.1768/2006 dated 31.7.2006 suspending the authorization of the petitioner, as arbitrary and illegal.

It appears, petitioner is the authorized fair price shop dealer of Tirumalaiahgari Palli village, Irala mandal, Chittoor district. While so, his authorization was suspended by the second respondent-Revenue Divisional Officer vide impugned proceedings dated 31.7.2006 pending enquiry into the allegations made against him. Aggrieved by the same, the present writ petition is filed.

It is the contention of the learned counsel for petitioner that no notice of any kind was issued to the petitioner before passing the impugned proceedings. The impugned proceedings were passed basing on the report submitted by the first respondent-Mandal Revenue Officer, therefore, the same is liable to be set aside.

This Court, while admitting the writ petition on 26.9.2006, granted interim suspension of the impugned order. Now, a counter and vacate stay petition has been filed by the respondents stating that on 28.4.2006, the Mandal Revenue Officer along with Panchayat Secretary of E.Chavatapalli village have inspected the petitioner's shop and found certain irregularities. The fair price shop dealer has given a consent statement before the Mandal Revenue Officer, Irala stating that he has committed irregularities without the knowledge of distribution of essential commodities. He further stated that he will maintain the records properly in future, and requested to drop further action. Hence, the petitioner was allowed to distribute the remaining stock to the cardholders under the supervision of Panchayat Secretary. The suspension proceedings were served on the petitioner on 2.8.2006 through Panchayat Secretary and the petitioner did not file any appeal before the appellate authority. He himself admitted in his statement that he has distributed 78 kgs. of sugar, but he has not

furnished the accounts for 78 kgs. He has shown accounts for 14 kgs. of sugar, which shows that he has misused 78 kgs. of sugar. But 78 kgs. of sugar is not available on ground and also he has not maintained stock register for sugar and kerosene. This shows that the fair price shop dealer has misused the sugar stock. Thus, the sum and substance of the counter affidavit is that the petitioner himself had admitted that he has not maintained the accounts properly, since he has no knowledge as to the distribution of essential commodities, therefore, the writ petition is liable to be dismissed and the interim order is liable to be vacated.

In view of the fact that there is an effective alternative remedy is available to the petitioner against the impugned proceedings, the petitioner is directed to file a statutory appeal before the Joint Collector concerned within a period of two weeks from the date of receipt of a copy of this order and work out his remedies. On filing such appeal by the petitioner, the Joint Collector is directed to dispose of the same within a period of four weeks from the date of receiving such appeal. However, during the pendency of the appeal before the Joint Collector, the impugned proceedings passed by the second respondent-Revenue Divisional Officer dated 31.7.2006 shall not be given effect to.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 28.12.2006
DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20099 of 2006

28.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20099 of 2006

Date: 28th December, 2006

Between:

Puligundla Seshadri

.. Petitioner

And

The Mandal Revenue Officer,
Irala Mandal, Chittoor district & another.

.. Respondents